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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/309,274	05/11/1999	ALEXANDER I. MCALLISTER	414.028	7294

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EXAMINER

PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/309,274

Applicant(s)

MCALLISTER, ALEXANDER I.

Examiner

Joseph T Phan

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-62 rejected under 35 U.S.C. 102(e) as being anticipated by Barkat et al., Patent #5,805,672.

Regarding claims 1 and 32, Barkat teaches a method and means of providing voice responses to commands comprising:

means for receiving a spoken identifier and attempting recognition of said spoken identifier to identify a subscriber (col.5 lines 21-30);

means for selecting a first processing option in response to said identifier (col.5 lines 21-30);

means for providing a voice message indicative of said first processing option selected (col.5 lines 30-39);

means for providing a silent delay period of a predetermined duration immediately subsequent to a completion of said step of providing a voice message (col.5 lines 30-39); and

Art Unit: 2645

means for selectively (i) initiating alternate processing in connection with said identifier in response to a receipt of a command input during said silent delay period (col.5 lines 30-39) and (ii) initiating said first processing option in connection with said identifier in response to an absence of said command input for a duration of said silent delay period (col.5 lines 21-30).

Regarding claims 2, 3, 33, and 34 Barkat teaches the method and means according to claims 1 and 32 wherein said duration of said silent delay period is in a range of 1.5 to 2.0 seconds (*col.5 lines 16-20 and lines 30-38 ; Barkat already establishes that his system is programmed to receive a response within 3 seconds during a waiting period(either before or after name is spoken) and 1.5 to 2 seconds is within 3 seconds*).

Regarding claim 5, Barkat teaches the method according to claim 1 wherein said first and second commands comprises a speech input (col.5 lines 21-30).

Regarding claims 6 and 36, Barkat teaches a method and means of telephone dialing using a voice activated dialer including:
a memory storing a directory of subscriber names and telephone numbers (*16 Fig.2 and col.4 lines 45-62*),
comparison means for selecting one of said subscribers most closely corresponding to a first speech input and providing a speech output corresponding to the selected one of said subscribers (col. 4 line 45-col.5 line 38);

Art Unit: 2645

timer means providing a silent delay period of a predetermined duration immediately subsequent to a completion of said step of providing a speech output (16 Fig.2 and col.5 lines 30-39); and

control means selectively (i) initiating alternate processing related to the selected one of the subscribers in response to a receipt of a command input identifying said alternate processing during said silent delay period (col.5 lines 16-38), and (ii) dialing the telephone number corresponding to the selected one of said subscribers immediately after said delay period and in response to an absence of said command input for a duration of said silent delay period (col.5 lines 21-38).

Regarding claims 7, 8, 37, and 38 Barkat teaches the method and means according to claims 6 and 36 wherein said duration of said silent delay period is in a range of 1.5 to 2.0 seconds (*col.5 lines 16-20 and lines 30-38; Barkat already establishes that his system is programmed to receive a response within 3 seconds during a waiting period(either before or after name is spoken) and 1.5 to 2 seconds is within 3 seconds*).

Regarding claims 10 and 40, Barkat teaches the method and means according to claims 6 and 36 wherein said command input comprises a DTMF audio signal (*col.5 lines 21-30*)

Regarding claims 11 and 41, Barkat teaches the method and means according to claims 6 and 36 wherein said command input comprises a second speech input and said method further comprises a step of listening for said second speech input (*col.5 lines 21-38*).

Regarding claims 12, 13, 42, and 43 Barkat teaches the method and means according to claims 11 and 41 wherein said second speech input comprises one of a plurality of predetermined spoken command(col.5 lines 21-38).

Regarding claims 14 and 44, Barkat teaches the method and means according to claim 11 and 41 wherein said step of listening includes recognizing said second speech input to provide speech content data and comparing said speech content data with a list of alternative processing commands (*col.4 line 45-col.5 line 38*).

Regarding claims 15 and 45, Barkat teaches the method and means according to claims 11 and 41 further comprising the steps of: receiving said first speech input and recognizing a content of said first speech input; and comparing said content with said directory (*col.4 line 45-col.5 line 38*).

Regarding claims 16 and 46, Barkat teaches the method and means according to claims 15 and 45 wherein said command input comprises a second speech signal and said method further comprises a step of listening for said second speech input (col.5 lines 22-38).

Regarding claims 17 and 47, Barkat teaches the method and means according to claims 16 and 46 wherein said step of listening includes the steps and means of receiving said second speech input and recognizing a content of said second speech input; and comparing said content with a list of alternative processing commands (col.4 line 45-col.5 line 38).

Regarding claims 18, 19, 48, and 49, Barkat teaches the method and means according to claims 16 and 47 wherein said duration of said silent delay period is in a

Art Unit: 2645

range of 1.5 to 2.0 seconds(*col.5 lines 16-20 and lines 30-38 ; Barkat already establishes that his system is programmed to receive a response within 3 seconds during a waiting period(either before or after name is spoken) and 1.5 to 2 seconds is within 3 seconds*).

Regarding claims 21 and 51, Barkat teaches the method and means according to claims 16 and 36 wherein said step of providing a speech output includes retrieving audio data corresponding to said selected one of said subscribers and converting said audio data into said speech output (*col.5 lines 22-38*).

Regarding claim 22, Barkat teaches the method according to claim 21 wherein said step of converting said audio data into said speech output includes decoding said audio data (*col.5 lines 1-38*).

Regarding claim 23, Barkat teaches the method according to claim 21 comprising converting said audio data into said speech output including concatenating a plurality of phonemes (*col.4 lines 45-67; phonemes are concatenated in Barkat*).

Regarding claim 24, Barkat teaches the method according to claim 21 wherein said step of converting said audio data into said speech output includes a step of synthesizing speech from said audio data (*col.5 lines 1-38*).

Regarding claims 25 and 26, Barkat teaches the method according to claim 6 wherein said alternate processing includes providing a speech output corresponding to the telephone number of said selected one of said subscribers (*col.4 line 45-col.5 line 38*).

Regarding claims 27 and 28, Barkat teaches the method according to claim 26 including dialing said alternate telephone number of said selected one of said subscribers and supplying a data signal corresponding to said selected one of said subscribers to a remote system, wherein said data signal represents said telephone number of said selected one of said subscribers (*col.4 line 45-col.5 line 38*).

Regarding claim 29, Barkat teaches a method of telephone dialing using a voice activated dialer including a directory of subscriber names and telephone numbers(*col.4 lines 45-62*), the method comprising the steps of receiving a first speech input and recognizing said first speech input to provide first speech content data, selecting one of said subscribers most closely corresponding to said first speech content data and providing a speech output corresponding to the selected one of said subscribers (*col.5 lines 22-38*);
providing a silent delay period of a predetermined duration within a range of 1.2 to 2.3 seconds immediately subsequent to a completion of said step of providing a speech output (*col.5 lines 16-20 and lines 30-38 ; Barkat already establishes that his system is programmed to receive a response within 3 seconds during a waiting period(either before or after name is spoken) and 1.5 to 2 seconds is within 3 seconds*).
listening for a second speech input during said silent period(*col.5 lines 22-38*);
recognizing said second speech input to provide second speech content data and selectively (i) initiating alternate processing related to the selected one of said subscribers in response to said second speech content data including an alternate processing command(*col.5 lines 30-38*) and, otherwise, (ii) dialing the telephone

Art Unit: 2645

number corresponding to the selected one of said subscribers immediately after said delay period (col.5 lines 22-30).

Regarding claim 30, Barkat teaches the method according to claim 29 wherein said predetermined duration of said silent delay period is in a range of 1.5 to 2.0 seconds (*col.5 lines 16-20 and lines 30-38 ; Barkat already establishes that his system is programmed to receive a response within 3 seconds during a waiting period(either before or after name is spoken) and 1.5 to 2 seconds is within 3 seconds*).

Regarding claim 52, Barkat teaches a voice activated dialer comprising:

- a memory storing a directory of subscriber names and telephone numbers (16 Fig.2),
- a speech recognition engine receiving a speech input and providing content data derived from said speech input signal (16 Fig.2 and col.4 line 45-col.5 line 38);
- a processor responsive to said content data for selecting one of said subscribers and an audio output providing a speech signal corresponding to the selected one of said subscribers (col.4 line 45-col.5 line 38); and
- a timer providing a silent delay period of a predetermined duration immediately subsequent to a completion of providing said speech signal (16 Fig.2) wherein said processor selectively (i) initiates alternate processing in connection with the selected one of said subscribers in response to a receipt of a command input during said silent delay period(col.4 line 45-col.5 line 38), and (ii) initiates a dialing of the telephone number corresponding to the selected one of said subscribers immediately after said delay period and in response to an absence of said command input for a duration of said silent delay period (col.5 lines 16-38).

Regarding claims 53 and 54, Barkat teaches the voice activated dialer according to claim 52 wherein said duration of said silent delay period is in a range of 1.5 to 2.0 seconds (*col.5 lines 16-20 and lines 30-38 ; Barkat already establishes that his system is programmed to received a response within 3 seconds during a waiting period(either before or after name is spoken) and 1.5 to 2 seconds is within 3 seconds*).

Regarding claim 55, Barkat teaches a voice activated dialer comprising:

- a memory storing a directory of subscriber names and telephone numbers (16 Fig.2 and col.4 lines 45-62);
- a speech recognition engine responsive to a speech input for providing speech content data and a processor responsive to said speech content data and to a set of instructions for (i) selecting one of said subscribers most closely corresponding to first speech content data (col.4 line 45-col.5 line 38);
- (ii) providing a speech output corresponding to the selected one of said subscribers (col.5 lines 30-38);
- (iii) providing a silent delay period of a predetermined duration within a range of 1.2 to 2.3 seconds immediately after providing said speech output (*col.5 lines 16-20 and lines 30-38 ; Barkat already establishes that his system is programmed to received a response within 3 seconds during a waiting period(either before or after name is spoken) and 1.2 to 2.3 seconds is within 3 seconds*).
- (iv) initiating alternate processing in connection with the selected one of said subscribers response to second speech content data including an alternate processing

Art Unit: 2645

command, and, otherwise, (ii) dialing the telephone number corresponding to the selected one of said subscribers immediately after said delay period (col.5 lines 16-38).

Regarding claim 56, Barkat teaches the voice activated dialer according to claim 55 wherein said predetermined duration of said silent delay period is in a range of 1.5 to 2.0 seconds (*col.5 lines 16-20 and lines 30-38 ; Barkat already establishes that his system is programmed to received a response within 3 seconds during a waiting period(either before or after name is spoken) and 1.5 to 2 seconds is within 3 seconds*).

Regarding claim 58, Barkat teaches a method comprising the steps of performing speech recognition of a first speech input to select a designated subscriber and playing a voice message indicative of a first processing option in connection with said designated subscriber(col.5 lines 22-38); providing a silent delay period immediately subsequent to a completion of said playing step; and selectively identifying a second processing option specified by a second speech input and, in response, automatically initiating said second processing option in connection with said designated subscriber (col.5 lines 22-38), and automatically initiating said first processing option in connection with said subscriber is response to an absence of said second speech input during said silent period (col.5 lines 22-38).

Regarding claim 59, Barkat teaches the method according to claim 58 further comprising the steps of dialing a telephone number of said designated subscriber in response to said step of automatically initiating said first processing option; and

Art Unit: 2645

performing said second processing in response to said step of automatically initiating said second processing option, said second processing selected from the group consisting of (i) providing a listing of said designated subscriber, (ii) leaving a message for said designated subscriber, and (iii) accepting a voice mail for said selected subscriber (*col.4 line 45-col.5 line 38; Barkat's user trains telephone number of recipient's voicemail(eg. Bobs voicemail).*

Regarding claim 60, Barkat teaches the method according to claim 58 further comprising a step of selectively (iii) identifying an exception command specified by said second speech input and, in response, performing error processing(*col.5 lines 22-46*).

Regarding claim 61, Barkat teaches the method according to claim 60 wherein said error processing includes the steps of prompting for a third speech input; performing speech recognition of said third speech input to reselect a designated subscriber; playing a voice message indicative of said first processing option in connection with said reselected designated subscriber(*col.5 lines 30-46*); providing a second silent delay period immediately subsequent to a completion of said playing step in connection with said reselected designated subscriber; and selectively (i) identifying a third processing option specified by a fourth speech input and, in response, automatically initiating said third processing option in connection with said reselected designated subscriber (ii) automatically initiating said first processing option in connection with said reselected designated subscriber in response to an absence of said fourth speech input during said second silent period (*col.5 lines 30-46*).

Regarding claim 62, Barkat teaches the method according to claim 61 further comprising the steps of dialing a telephone number of said reselected designated subscriber in response to said step of automatically initiating said first processing option; and performing said third processing in response to said step of automatically initiating said third processing option, said third processing selected from the group consisting of (i) providing a listing of said reselected designated subscriber, (ii) leaving a message for said reselected designated subscriber, and (iii) accepting a voice mail for said reselected selected subscriber (*col.4 line 45-col.5 line 38; Barkat's user trains telephone number of recipient's voicemail(eg. Bobs voicemail)*).

Regarding claims 4, 9, 20, 31, 35, 39, 50, and 57, Barkat discloses the method and means according to claims 1, 6, 29, 32, 36, 52, and 55 wherein said duration of said silent delay period is 1.8 seconds (*col.5 lines 16-20 and lines 30-38 ; Barkat already establishes that his system is programmed to received a response within 3 seconds during a waiting period(either before or after name is spoken) and 1.8 seconds is within the 3 seconds implemented by Barkat-a 1.8 second delay is not sufficient to establish novelty over prior art.*

Response to Arguments

2. Applicant's arguments with respect to claims 1-62 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-

Art Unit: 2645

3206. The examiner can normally be reached on M-TH 9:00-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP
June 14, 2004



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

